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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,428	12/22/2000	Neelam N. Vaidya	0007056-0174/P5701NP/ARG/	1488
58328 7590 06/30/2008 SUN MICROSYSTEMS C/O SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080				
EXAMINER				
AL HASHEMI, SANA A				
ART UNIT		PAPER NUMBER		
2164				
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06/30/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/747,428

Applicant(s)

VAIDYA ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is issued in response to applicant's amendment filed 3/26/08.

Claims 1-24 were amended. No claims were deleted. None were added.

Claims 1-24 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1, 6, 11, 12, the phrase "at least one of overriding a default value, resetting an overridden value back to the default value, and updating the default value" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). It is unclear to the examiner on whether the limitations call for overriding a default value, resetting an overridden value back to the default value in addition to the updating the default value or the default value is another option similar to the overriding and resetting. Clarification is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24, are rejected under 35 U.S.C. 102(e) as being unpatentable over Lee et al. (Lee hereinafter) US Patent No. 7,072,896 filed Feb. 14, 2001, which claim the priority of a provisional application filed February 16, 2000.

Regarding Claims 1, 6, 11, and 16, Lee discloses a method for managing a plurality of nodes in a layered hierarchically organized database stored in a server on a computer network comprising:

accessing a subset of said nodes in response to a client request (Col. 24, lines 4-9, Lee);  
modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request, wherein the one or more state attributes indicates a last action taken on a corresponding data element (Col. 24, lines 14-20, Lee); and

managing said nodes using said state attribute, wherein each one of said state attributes comprises an eXtensible Markup Language (XML) format attribute (Col. 18, lines 26-42, Lee), and wherein managing said nodes includes at least one of overriding a default value, resetting an

overriding value back to the default value, and updating the default value (Fig. 4, step 76, Col. 14, lines 43-67, wherein the step of inserting value corresponds to the updating value, Lee).

Regarding Claims 2, 7, 12, and 17, Lee discloses a method wherein said state attributes indicate that a corresponding data element is one of updated default, deleted, and added Col. 17, lines 59-67, Lee).

Regarding Claims 3, 8, 13, and 18, Lee discloses a method wherein each one of said state attributes includes a value of one of default, replaced, modified, and deleted, indicating a last action taken on a corresponding data element ((Col. 20, lines 45-55, Col. 28, lines 49-52, Lee).

Regarding Claims 4, 9, 14, 19, and 21-24, Lee discloses the method wherein each one of said nodes comprises an XML node (Col. 28, lines 38-47, Lee).

Regarding Claims 5, 10, 15, and 20, Lee discloses a method wherein said nodes are organized in a Document Object Model format (Col. 28, lines 52-60, Lee).

### ***Response to Amendment***

Applicant's arguments filed 3/26/08 have been fully considered but they are not persuasive.

Applicant argues the Lee reference fails to disclose the newly amended limitations.

Examiner disagrees. The newly amended limitations have been addressed in the rejection above.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013.

The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/  
Primary Examiner, Art Unit 2164